

1 Honorable Robert S. Lasnik
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13 UNITED STATES DISTRICT COURT FOR THE
14 WESTERN DISTRICT OF WASHINGTON
15 AT SEATTLE
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18 UNITED STATES OF AMERICA,
19 Plaintiff

20 NO. CR18-0246RSL

21 NO. CR18-012-RSL

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28 **ORDER FOR COMMITMENT**

(**Proposed**)

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28 ANTONIO P. SMITH,

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28 Defendant.

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28 THE COURT, having reviewed the Defendant's Motion for a Competency
Hearing and Evaluation, the competency evaluation prepared by Dr. Ryan Nybo, Psy.D,
dated February 4, 2019, hereby finds, by a preponderance of the evidence, that the
defendant presently suffers from a mental disease or defect rendering him mentally
incompetent to the extent that he is unable to understand the nature and consequences of
the proceedings against him or to assist properly in his own defense; therefore,

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27 IT IS ORDERED that the defendant be committed to the custody of the Attorney
General, pursuant to 18 U.S.C. § 4241(d), and that the Attorney General hospitalize the
defendant in a suitable facility, to determine whether there is a substantial probability that
in the foreseeable future the defendant will attain the capacity to permit the proceedings

1 to go forward and, if appropriate, to undergo competency restoration treatment, which
2 may include, as necessary, individual therapy;

3 IT IS FURTHER ORDERED that this commitment shall be for a reasonable time,
4 not to exceed four months, commencing from the date of designation of a suitable facility
5 by Bureau of Prisons, which, upon approval by this Court, may be extended for an
6 additional reasonable period of time;

7 IT IS FURTHER ORDERED that, no later than upon the completion of the
8 aforementioned four month period, the mental health professionals acting on behalf of the
9 Attorney General shall prepare a report of their examination of the defendant and of his
10 competency status, and that this report be filed with the Court, with copies provided to
11 counsel for the defendant and the government;

12 IT IS FURTHER ORDERED that the United States Marshals Service shall
13 arrange for the transportation of the defendant at government expense to the facility
14 designated by the Bureau of Prisons;

15 IT IS FURTHER ORDERED that the defendant shall cooperate with the persons
16 performing this examination and competency restoration treatment; and,

17 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3161(h)(1) and (h)(4), that
18 the period of delay resulting from the commitment period and other proceedings related
19 to the defendant's mental competency, including any time leading up to and including the
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1 Court's hearing concerning defendant's competency following examination and
2 treatment, shall be excluded in the computation of time under the Speedy Trial Act, 18
3 U.S.C. § 3161 *et al.*

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5 DATED this 22nd day of February, 2019.

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9 HON. ROBERT S. LASNIK
10 United States District Court Judge

11 Presented by:

12 BRIAN T. MORAN
13 United States Attorney

14 /s/ Thomas Woods
15 THOMAS M. WOODS
16 Assisted United States Attorney